

Message Text

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PAGE 01 JAKARTA 14529 130716Z

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ACTION EA-14

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----- 117651

R 120906Z DEC 73

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 9929

INFO AMCONSUL MEDAN

AMCONSUL SURABAYA

AMEMBASSY KUALA LUMPUR

CINCPAC

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E.O. 11652: N/A

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SUBJECT: THE MARRIAGE BILL: A CHRISTMAS PRESENT FOR THE MOSLEMS?

REF : JAKARTA 14349 (NOTAL)

SUMMARY: REPORTS OF COMPROMISE ON MARRIAGE BILL
FAVORABLE TO MOSLEMS CONTINUE TO CIRCULATE IN
JAKARTA PRESS AND ARE NOW STIMULATING PUBLIC
EXPRESSIONS OF CONCERN ON THE PART OF CHRISTIANS.
END SUMMARY

1. ISLAMIC DAILY ABADI HAS PUBLISHED OUTLINES OF
REPORTED CONSENSUS ON MARRIAGE BILL, ARRIVED AT VIA
AGREEMENT BETWEEN ARMED FORCES AND ISLAMIC FACTIONS
IN PARLIAMENT. (ALTHOUGH ABADI DOES NOT SAY SO,
MANY READERS WILL ASSUME AGREEMENT RESULTS FROM
EARLIER PALACE CONSULTATIONS BETWEEN PRESIDENT
SUHARTO AND ISLAMIC PARTY ELDERS WHICH TOOK PLACE
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PAGE 02 JAKARTA 14529 130716Z

NOV 24).

2. ACCORDING ABADI, MAIN POINTS OF COMPROMISE AS FOLLOWS:

A. LANGUAGE IN INTRODUCTORY SECTION TO EFFECT THAT LEGALITY OF MARRIAGE IS A FUNCTION OF CIVIL REGISTRATION AND CIVIL LAW REQUIREMENTS AS SET FORTH ELSEWHERE IN BILL, WILL BE REPLACED BY LANGUAGE STRESSING THAT MARRIAGE LEGAL IF CARRIED OUT ACCORDING TO LAW OF RELIGION OR BELIEF (KEPERCAYAAN) PROFESSED BY PARTNERS. (HOWEVER, CIVIL REGISTRATION STILL ALSO REQUIRED.)

B. FACTION MEMBERS AGREED THAT "ISLAMIC LAW IN MARRIAGE WILL NOT BE DECREASED/CHANGED."

C. ALSO, THAT "MEANS OF IMPLEMENTATION WILL NOT BE DECREASED/CHANGED" (PRESUMABLY A REFERENCE TO ISLAMIC COURTS).

D. STIPULATIONS THAT CONFLICT WITH THE ISLAMIC RELIGION WILL BE DROPPED.

E. DIVORCE AND POLYGAMY TO BE REGULATED TO PREVENT ARBITRARY BEHAVIOR.

ACCORDING TO ACCOUNTS IN SEVERAL PAPERS, BOTH CHRISTIAN/NATIONALIST AND GOLKAR FACTIONS DISMAYED BY REPORTED ARMED FORCES-ISLAMIC CONSENSUS.

3. IN REACTION TO THIS NEWS, SOLEMN EDITORIAL IN DEC 11 SINAR HARAPAN WHICH SPEAKS FOR CHRISTIAN (PROTESTANT) COMMUNITY AND HAS BEEN MORE OR LESS SILENT ON MARRIAGE BILL THUS FAR WARNED THAT MARRIAGE LEGISLATION MUST BE FAIR TO ALL AND SHOULD NOT BE RUSHED. MEANWHILE, ACCORDING DAILY KOMPAS, "YOUNGER GENERATION ACTION COMMITTEE" ISSUED MEMORANDUM URGING THAT MARRIAGE LAW NOT CONFLICT WITH PANCASILA OR 1945 CONSTITUTION OR REPRESENT A SURRENDER TO THE INTERESTS "OF A CERTAIN GROUP."

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PAGE 03 JAKARTA 14529 130716Z

SIGNATURES ON MEMORANDUM (SIHOMBING, HUTASOIT WAWARUNTU ETC.) INDICATE THAT THIS "YOUNGER GENERATION" IS MAINLY CHRISTIAN.

4. COMMENT: CHRISTIANS AND OTHER ANTI-ISLAMIC ELEMENTS ARE UPSET BECAUSE LANGUAGE OF ALLEGED CONSENSUS (AS REPORTED BY SATISFIED-SOUNDING ISLAMIC PRESS) IS IN PLACES REMINISCENT OF

"JAKARTA CHARTER" PROVISION THAT ISLAMIC LAW
SHOULD BE BINDING ON ALL MOSLEMS, WHICH IS WHAT
HAS BEEN DEMANDED SINCE 1945 (THUS FAR WITH NO
SUCCESS) BY PROPONENTS OF ISLAMIC STATE. IT IS
HIGHLY UNLIKELY THAT GOI HAS CAVED IN TO ISLAMIC
DEMANDS SO COMPLETELY AND WE WILL RESERVE
JUDGMENT PENDING AVAILABILITY OF NEW DRAFT LAW.
AS OF NOW, POSSIBILITIES FOR CONFLICTING
INTERPRETATION OF "CONSENSUS" ARE OBVIOUS (FOR
EXAMPLE, NOTE THE APPARENT DISCREPANCY BETWEEN 2E AND 2D
ABOVE) AND WE REMAIN SOMEWHAT CONCERNED THAT MOSLEMS
WHO ARE NOW IN MOOD OF CAUTIOUS ELATION
MAY END UP BEING BITTERLY DISAPPOINTED WHEN
ALL THE FACTS ARE IN. AT THE MOMENT, HOWEVER,
UNACCUSTOMED SQUAWKS FROM CHRISTIANS AND NOMINAL
MOSLEMS SEEM TO INDICATE THAT GOVERNMENT HAS
WISELY DECIDED NOT TO FORCE YET ANOTHER HUMILIATING
DEFEAT ON THE BATTERED ISLAMIC COMMUNITY.
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